

REMARKS

Claims 1, 2, 4-6, and 8-58 are still pending in the present application and are believed to be in proper condition for allowance. These claims were all rejected under 35 U.S.C. 103(a) in the Office Action of January 28, 2005, as being unpatentable over U.S. Patent No. 6,785,671 to Bailey et al. Applicants respectfully disagree and request reconsideration of the rejection.

Bailey et al. discloses a search engine system for assisting users in locating web pages that allow user-specified products to be purchased. The reference discloses that the web pages located by a crawler program are scored based on a set of rules, according to likelihood of including an online product offering. A query server accesses an index of the scored web pages to locate web pages that are both responsive to a user's search query, and also likely to include a product offering. The responsive web pages are listed on a composite search results page together with products that satisfy the query. Thus, the search engine system disclosed in Bailey et al. is directed to a search engine technology which identifies web pages associated with a product of interest as specified by the user, where the web pages allow for the product to be purchased.

Referring to the Office Action, the Examiner asserts that Bailey et al. discloses such a system in which weighted importance is assigned to plurality of feature categories/property type. The Examiner admits that Bailey et al. does not explicitly disclose generating a customized ranking of products and assigning an increased weighted importance. However, the Examiner asserts that step 650 disclosed in Bailey et al. can be viewed as generating a customized ranking and that such ranking would be obvious. The applicants respectfully disagree with the Examiner's assertions for the reasons set forth herein below.

Briefly, it is noted that the system and method of the present invention not only allows the user to submit a query to identify a plurality of products, but also provides a ranking of the plurality of products according to the weighted importance of the feature categories, and further allows the user to select which feature categories for the product category are important to the user to generate a customized ranking of products. Thus, the present invention provides search results ranked in accordance with the importance weightings of the

feature categories, and further allows generation of a customized ranking using increased weighted importance of each feature category as indicated by the user. In this regard, each of the pending independent claims 1, 29, 30, 31 and 32 specifically recite limitations consistent with the above noted features.

These aspects of the present invention are nowhere disclosed, taught or otherwise suggested in the cited Bailey et al. reference. In this regard, Bailey et al. does not disclose feature categories at all which are assigned to a product category. As described in the specification of the present application, feature categories correspond to those features which are important to a product. (See Page 9, lines 15-22; Page 10, lines 15-26). Such feature categories may be assigned based on available data indicating that all brands of the same product have data associated with a particular feature, as well as other data including product articles, reviews, etc. Examples of feature categories for the product category of PDA's is used to explain the generation of customized ranking of the present invention. (See Page 11, line 7 to Page 12, line 8). As explained, PDA's may have a plurality of feature categories such as screen type, memory, upgradability, functions, etc. The user is initially provided with a ranking of products in a product category based on the weighted importance of the feature categories.

In contrast, Bailey et al. merely discloses product categories, for example, categories of "books", "music", "video", etc. Bailey et al. does not disclose or suggest that each product category can be assigned with feature categories associated with those product categories described. Instead, the results of the system disclosed in Bailey et al. are generated based on the conventional "relevance" of the webpage. It should be appreciated by the Examiner that there is a significant difference between a system that generates results based upon mere "relevance" of features as performed by the system of Bailey et al., and the system of the present invention which provides a ranking of products based on "importance" of the features. For example, it should be noted that there are well over one hundred features identified and attributed to digital cameras, but most of these features have very little importance (e.g. the length of the battery charger power cord in inches). A system that merely watches what features are mentioned in merchant's web pages, and records those pages frequently occurring as being "relevant", does not distinguish which features are

important or unimportant. Unimportant features may be abundant because merchants routinely save the whole manufacturer's specification table on to their web pages in some default technical grouping or alphabetical order.

In contrast, the independent claims of the present application specifically recite ranking products in the product category according to the weighted importance of the feature categories. Having an initial or default importance as described in the present invention is very advantageous. By initially presenting the user with the system's own top-rated ranking based on importance of features (not mere relevance or hits), the likelihood of providing the user with usable information regarding a product category is significantly increased. For example, in digital cameras, the present invention would not take into consideration the power cord length in providing the initial ranking of the products, but would consider other important features weighted in a certain manner, such as optical zoom first, followed by resolution, followed by wide angle capability, etc.

Moreover, in the case where the top rated products may not correspond exactly to the user's personal order of importance with respect to the features, the present invention further allows customized ranking of the products. In particular, the pending independent claims further recite that weighted importance of the selected feature categories are increased, and a customized ranking generated based at least partially on the increased weighted importance. In particular, independent claim 1 specifically requires "receiving a plurality of selections *from a user* indicating a plurality of feature categories of importance *to the user* for the product category" and "generating a customized ranking of products . . . based on . . . the increased weighted importance of the selected feature categories" (Emphasis added). Independent claims 29 and 32 include limitations similar to that of claim 1. Independent claim 30 requires "means for receiving a plurality of selections *from a user* indicating a plurality of feature categories that are of importance *to the user* for the product category" and "means for generating a customized ranking of products . . . based on the increased weighted importance of the selected feature categories" (Emphasis added). Independent claim 33 requires "a controller that receives a plurality of weighting selections *from a user* for a plurality of feature categories corresponding to the importance of said plurality of feature categories *to the user*" and "a processor that generates a ranking of said plurality of products .

. . . based at least partially on said plurality of weighting selections of said plurality of feature categories *from the user* . . . so that said generated ranking of said plurality of products is customized to the user.” (Emphasis added).

Receiving selections from a user indicating feature categories important to the user, and assigning an increased weighted importance to the selected feature category are noted important aspects of the present invention. This aspect allows the present invention to provide a user, customized ranking of products at least partially based on the importance of the feature categories to the user, not some third party or an automated system’s view of what feature categories are important.

Bailey et al. also does not disclose or suggest that the user can indicate which of the feature categories (for a given product category) are important to the individual user. In this regard, Bailey et al. does not even recognize that each product category can be assigned with a plurality of different feature categories in a manner described above relative to PDA’s, much less that the importance of these features can be selected by the user. In the example of PDAs, available functions may be the most important to one user, with the screen type being second in importance, etc. To another user, upgradability may be the most important with the amount of memory being second in importance, etc. The system and method of the present invention takes these user selections into consideration in providing search results to the user, so that a customized ranking of products is generated which is tailored to the user selections. In the other example regarding digital cameras, a user may feel that, for them personally, wide angle feature is most important, and should be weighted more heavily so that it is weighted first rather than third.

Thus, the present invention allows the user to assign increased weighted importance to the feature categories selected by the user. Furthermore, the user of the present invention is advantageously presented initially with products initially ranked based on weighted importance which can be modified with the increased weighted importance of selected feature categories, and is not merely provided with an unranked alphabetical listing of all features categories for a product (which can number into the hundreds but most of which are mundane and unimportant).

Correspondingly, Bailey et al. fails to disclose, teach, or otherwise suggest ranking

products in the product category according to the weighted importance of the feature categories as recited in the pending claims. Bailey et al. further fails to disclose, teach, or otherwise suggest receiving a selection from a user of at least one feature category that is of importance to the user, and assigning an increased weighted importance of the selected feature category. Bailey et al. also correspondingly fails to disclose, teach, or otherwise suggest assigning increased weighted importance for the selected feature categories, and generating a customized ranking of products based on the increased weighted importance.

The Examiner's assertion that providing customized ranking for Bailey et al. would be obvious based on inherent analysis performed by the user in purchasing a plurality of products is unfounded. Step 650 of Bailey et al. cited by the Examiner in support of his proposition only describes the determination of a "relevance" ranking by the disclosed system so that the system can determine the arrangement of the product categories for display. This step does not correlate or suggest receiving selections from a user indicating importance of feature categories of a product category. Instead, in Bailey et al., the relevance (which again, is not the same or equivalent to importance) is determined by the disclosed system, not the user. Consequently, the arrangement of the categories displayed by Bailey et al. is determined wholly by the system, without regard to the feature categories that are of importance, or to feature categories that are of importance to a particular user.

In view of the above, the applicants respectfully contend that the Examiner has failed to establish the required *prima facie* case of obviousness. In this regard, the Examiner is respectfully reminded that "to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teachings or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." MPEP §§ 2142 and 2143 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)) (see also MPEP § 706.02(j)).

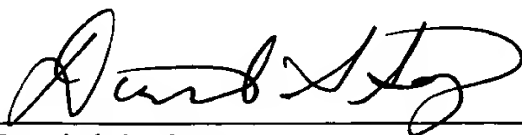
In the Office Action, the Examiner fails to provide credible support as to why it would

be obvious to provide the features recited in the pending claims, but merely asserts in the Office Action that these novel features would be obvious to “add a common knowledge additional ranking of products that consumers inherently analyze when purchasing from a plurality of products having alternative features.” In this regard, the applicant believes that the Examiner is engaging in improper “hindsight reconstruction” to derive the present invention by extrapolating a motivation that clearly does not exist in the text of the cited Bailey et al. reference, or otherwise in the art. (See *In re Dow Chemical Co.*, 5 USPQ2d 1529, 1532 (Fed. Cir. 1988)).

Finally, it is unclear why the Examiner summarily asserts that various other dependent claims would have been obvious to one of skill in the art. None of the cited references, including Bailey et al. disclose, teach or otherwise suggest the limitations cited therein. For example, claims 4 and 5 recite assigning a tag, assigning a relation type, creating links and using the assigned relation to create hierarchical category tree. Claims 6, 8-12 recite assigning a variety of property types to a feature category, while claims 19 and 20 recite assigning a variety of relation types. These features are not suggested by Bailey et al. in any manner and the Applicants request reconsideration of this rejection and the withdrawal thereof.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, he is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,



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